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Security Council

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Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo

Addendum

Further to my reports of 16 September and 23 December 1999 and 3 March 2000 (S/1999/987, S/1999/1250/Add.1 and S/2000/177/Add.1), the texts of regulations 2000/6-2000/17 issued by my Special Representative are attached herewith for the information of the members of the Security Council.

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UNITED NATIONS
United Nations Interim Administration Mission in Kosovo

UNMIK

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Mission d'Administration Intérimaire des Nations Unies au Kosovo

UNMIK/REG/2000/6
15 February 2000

REGULATION NO. 2000/6

ON THE APPOINTMENT AND REMOVAL FROM OFFICE OF INTERNATIONAL JUDGES AND INTERNATIONAL PROSECUTORS

The Special Representative of the Secretary-General,

Pursuant to the authority given to him under United Nations Security Council Resolution 1244 (1999) of 10 June 1999,

Taking into account United Nations Interim Administration Mission in Kosovo (UNMIK) Regulation No. 1999/1 of 25 July 1999, as amended, on the Authority of the Interim Administration in Kosovo,

For the purpose of assisting in the judicial process in Mitrovica,

Hereby promulgates the following:

Section 1
Appointment and Removal from Office of International Judges and International Prosecutors

1.1 The Special Representative of the Secretary-General may appoint and remove from office international judges and international prosecutors, taking into account the criteria set forth under sections 2 and 4 of the present regulation. Such appointments shall be made to the District Court of Mitrovica, other courts within the territorial jurisdiction of the District Court of Mitrovica and offices of the prosecutor with corresponding jurisdiction.

1.2 International judges shall have the authority and responsibility to perform the functions of their office, including the authority to select and take responsibility for new and pending criminal cases within the jurisdiction of the court to which he or she is appointed.

1.3 International prosecutors shall have the authority and responsibility to perform the functions of their office, including the authority and responsibility to conduct criminal investigations and to select and take responsibility for new and pending criminal investigations or proceedings within the jurisdiction of the office of the prosecutor to which he or she is appointed.

Section 2
Criteria for International Judges and International Prosecutors

International judges and international prosecutors shall:

a) have a university degree in law;

b) have been appointed and have served, for a minimum of 5 years, as a judge or prosecutor in their respective home country;

c) be of high moral integrity; and

e) not have a criminal record.

Section 3
Oath or Solemn Declaration

Upon appointment, each international judge and international prosecutor shall subscribe to the following oath or solemn declaration before the Special Representative of the Secretary-General:

"I,_____, do hereby solemnly swear (or solemnly declare) that:

In carrying out the functions of my office, I shall act in accordance with the highest standards of professionalism and with utmost respect for the dignity of my office and the duties with which I have been entrusted. I shall perform my duties and exercise my powers impartially, in accordance with my conscience and with the applicable law in Kosovo.

In carrying out the functions of my office, I shall uphold at all times the highest level of internationally recognized human rights, including those embodied in the principles of the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, the International Covenant on Economic, Social and Cultural Rights, and the European Convention for the Protection of Human Rights and Fundamental Freedoms and its protocols.

In carrying out the functions of my office, I shall ensure at all times that the enjoyment of these human rights shall be secured to all persons in Kosovo without discrimination on any ground such as ethnicity, sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status."

Section 4
Removal from Office of International Judges and International Prosecutors

4.1 The Special Representative of the Secretary-General may remove from office an international judge or international prosecutor on any of the following grounds:

a) physical or mental incapacity which is likely to be permanent or prolonged;

b) serious misconduct;

c) failure in the due execution of office; or

d) having been placed, by personal conduct or otherwise, in a position incompatible with the due execution of office.

4.2 An international judge or international prosecutor shall not hold any other public or administrative office incompatible with his or her functions, or engage in any occupation of a professional nature, whether remunerative or not, or otherwise engage in any activity that is incompatible with his or her functions.

Section 5
Applicable Law

The present regulation shall supersede any provision in the applicable law relating to the appointment and removal from office of judges and prosecutors which is inconsistent with it.

Section 6
Entry into Force

The present regulation shall enter into force on 15 February 2000.

Bernard Kouchner
Special Representative of the Secretary-General

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Intérimaire des Nations Unies au
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S/2000/177/Add.2

UNMIK/REG/2000/7
18 February 2000

REGULATION NO. 2000/7

AMENDING UNMIK REGULATION NO. 1999/16 ON THE ESTABLISHMENT OF THE CENTRAL FISCAL AUTHORITY OF KOSOVO AND OTHER RELATED MATTERS

The Special Representative of the Secretary-General,

Pursuant to the authority given to him under United Nations Security Council resolution 1244 (1999) of 10 June 1999,

Taking into account United Nations Interim Administration Mission in Kosovo (UNMIK) Regulation No. 2000/1 of 14 January 2000 on the Kosovo Joint Interim Administrative Structure,

Having promulgated UNMIK Regulation No. 1999/16 of 6 November 1999 on the Establishment of the Central Fiscal Authority of Kosovo and Other Related Matters,

For the purpose of confirming the operations of the Central Fiscal Authority within the Kosovo Joint Interim Administrative Structure,

Hereby amends Sections 1, 2, 3, 4, 6 and 7 of UNMIK Regulation No. 1999/16.

Consequently, the regulation will have the following wording as of the date on which the present regulation enters into force:

REGULATION NO. 1999/16

ON THE ESTABLISHMENT OF THE CENTRAL FISCAL AUTHORITY OF KOSOVO AND OTHER RELATED MATTERS

The Special Representative of the Secretary-General,

Pursuant to the authority given to him under United Nations Security Council Resolution 1244 (1999) of 10 June 1999,

Taking into account United Nations Interim Administration Mission in Kosovo (UNMIK) Regulation No. 1999/1 of 25 July 1999, as amended, on the Authority of the Interim Administration in Kosovo,

For the purposes of establishing the Central Fiscal Authority in Kosovo and other related matters,

Hereby promulgates the following:

Section 1
Central Fiscal Authority

1.1 The Central Fiscal Authority, acting under the authority of the Special Representative of the Secretary-General, is responsible for the overall financial management of the Kosovo Budget and the budgets under the responsibility of the municipalities, which together form the Kosovo Consolidated Budget. This budget will be developed, adopted and executed separately from the budget of the United Nations Interim Administration Mission in Kosovo (UNMIK) that is adopted by the General Assembly of the United Nations.

1.2 The Central Fiscal Authority shall implement the policy guidelines formulated by the Interim Administrative Council in the financial management of the Kosovo Consolidated Budget.

Section 2
Functions

2.1 The Central Fiscal Authority, having consulted the responsible central and municipal spending authorities, may make policy recommendations to the Interim Administrative Council through the Deputy Special Representative of the Secretary-General for Economic Reconstruction, Recovery and Development concerning, *inter alia*:

(a) Formulation of an overall fiscal strategy for the Kosovo Consolidated Budget, in the light of macroeconomic conditions and the effect that fiscal policy may have on economic conditions;

(b) Development of a public revenue and expenditure programme for the Kosovo Consolidated Budget and formulation of plans for the control and execution of spending under that revenue and expenditure programme;

(c) Formulating policies for the raising and collection of revenues including, but not limited to, direct and indirect taxes, customs duties, excise taxes, sales tax, service charges and donor contributions;

(d) Controlling and executing the raising of revenues and spending under the Kosovo Consolidated Budget;

(e) The establishment of appropriate internal audit arrangements for the Kosovo Consolidated Budget; and

(f) Managing the bank accounts of the Kosovo Consolidated Fund.

2.2 The Central Fiscal Authority shall:

(a) Develop the Kosovo Consolidated Budget and present this budget through the Deputy Special Representative of the Secretary-General for Economic Reconstruction, Recovery and Development, to the Interim Administrative Council for approval, as appropriate, and submission to the Special Representative of the Secretary-General for consideration and adoption by regulation;

(b) Ensure that the budgets of the Municipalities are developed, approved and executed by Municipal Administrators in a manner consistent with assessed macroeconomic conditions and with the Kosovo Consolidated Budget;

(c) Co-ordinate with other Administrative Departments on matters pertaining to the development of the Capital/Investment Budget and the integration of this budget with the Kosovo Consolidated Budget;

(d) Co-ordinate activities of international and governmental agencies and non-governmental organizations in the development and execution of donor financing and grant agreements;

(e) Record and report, through the Deputy Special Representative of the Secretary-General for Economic Reconstruction, Recovery and Development, to the Interim Administrative Council on expenditures and revenues of the Kosovo Consolidated Budget;

(f) Arrange for the establishment of an information technology environment to support the functions; and

(g) Perform such functions as are ancillary to those set out above in this section and are assigned to the Central Fiscal Authority by the Deputy Special Representative of the Secretary-General for Economic Reconstruction, Recovery and Development.

Section 3
Co-Heads of the Central Fiscal Authority

Co-Heads of the Central Fiscal Authority, under the supervision of the Deputy Special Representative of the Secretary-General for Economic Reconstruction, Recovery and Development, shall be jointly responsible for:

(a) Managing the Central Fiscal Authority and ensuring that the functions entrusted to it are implemented;

(b) Staffing, organizing and administering the Central Fiscal Authority and issuing administrative instructions and operating guidelines on any matters pertaining to the functions of the Central Fiscal Authority; and

(c) The effective and efficient management of resources provided to the Central Fiscal Authority from the Kosovo Consolidated Budget or from any other source.

Section 4
Kosovo Consolidated Budget Accounts

4.1 Except as otherwise determined by the Special Representative of the Secretary-General, the fiscal year is a year of 12 months, starting on first January and ending on thirty-first December of each calendar year.

4.2 The UNMIK Co-Head of the Central Fiscal Authority shall open and maintain one or more bank accounts for the receipt, custody, payment or transmission of moneys raised or received relating to the Kosovo Consolidated Budget.

4.3 Moneys raised or received shall constitute the Kosovo Consolidated Fund, irrespective of whether such moneys are initially received into Cash Payment Offices of the Public Payment Service of Kosovo or into bank accounts. With regard to moneys received from the UN Trust Fund for the UN Interim Administration in Kosovo, allocation and reporting arrangements with regard to the transfer shall be entered into by the Controller of the United Nations and the Special Representative of the Secretary-General.

4.4 No expenditure shall be made from the Kosovo Consolidated Fund except by means of appropriations contained in a regulation promulgated by the Special Representative of the Secretary-General.

Section 5
Independent Audit

The Special Representative of the Secretary-General shall ensure that appropriate independent audit arrangements are established for the Kosovo Consolidated Budget. The auditors shall report to the Secretary-General.

Section 6
Personnel and Employment Policy

Co-Heads of the Central Fiscal Authority shall:

(a) Implement non-discriminatory personnel policies designed to ensure that the composition of the staff of the Central Fiscal Authority reflects the multi-ethnic character of Kosovo;

(b) Endeavor to ensure equitable gender balance in all areas and levels within the Central Fiscal Authority; and

(c) Ensure that all recruitment is based on the open competition, professional qualifications, competence and merit.

Section 7
Applicable Law

The present regulation shall supersede any provision in the applicable law which is inconsistent with it.

Section 8
Implementation

The Special Representative of the Secretary-General may issue administrative directions in connection with the implementation of the present regulation.

Section 9
Entry into Force

The present regulation[1] shall enter into force on 6 November 1999.

The present regulation shall enter into force on 18 February 2000.

B. Kouchner

Bernard Kouchner
Special Representative of the Secretary-General

[1] The original Regulation

UNITED NATIONS
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Intérimaire des Nations Unies au
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UNMIK/REG/2000/8
29 February 2000

REGULATION NO. 2000/8

ON THE PROVISIONAL REGISTRATION OF BUSINESSES IN KOSOVO

The Special Representative of the Secretary-General,

Pursuant to the authority given to him under United Nations Security Council Resolution 1244 (1999) of 10 June 1999,

Taking into account United Nations Interim Administration Mission in Kosovo (UNMIK) Regulation No.1999/1 of 25 July 1999, as amended, on the Authority of the Interim Administration in Kosovo,

For the purpose of regulating the provisional registration of businesses in Kosovo,

Hereby promulgates the following:

Section 1
Scope

1.1 The present regulation shall govern the provisional registration of businesses in Kosovo.

1.2 The term "business" as used in the present regulation means any entity that engages in lawful economic activity for the purpose of making a profit. Businesses shall be further classified for the purposes of provisional registration according to provisions of the "Matrix of Classification" which shall be specified in an administrative direction.

1.3 This regulation shall extend to the registration of any business currently established in Kosovo or any business seeking to be established in Kosovo.

Section 2
Application for the Provisional Registration of Businesses

2.1 According to the deadlines for registration given by administrative direction, all businesses shall apply for provisional registration on application forms to be obtained from UNMIK, together with a non-refundable administrative fee. The administrative fee shall be specified in an administrative direction.

2.2 Provisional registration shall be effected by UNMIK until the Special Representative of the Secretary-General establishes, pursuant to UNMIK Regulation No 2000/1 of 14 January 2000, the competent administrative department at which time authority to effect business registration will be transferred to that administrative department.

2.3 Applicants shall be responsible for submitting all information and supporting documentation for provisional registration as required in the application forms.

2.4 Within five (5) working days of the filing of the application for provisional registration, UNMIK shall issue a written Confirmation of receipt of the application that shall contain an application filing number.

Section 3
Issuance of the Certificate of Provisional Business Registration

3.1 Within twenty (20) working days of the issuance of the Confirmation, UNMIK shall issue either a Certificate of Provisional Business Registration containing a Provisional Business Registration Number or a written Decision denying provisional registration.

3.2 A certification fee shall be payable upon issuance of the Certificate of Provisional Business Registration. The certification fee shall be specified in an administrative direction.

3.3 A Certificate of Provisional Business Registration may not be transferred.

3.4 The original Certificate of Provisional Business Registration shall be kept with the books and accounts of the business and shall be available for inspection by the relevant authorities during regular business hours. A copy of the Certificate of Provisional Business Registration shall be prominently displayed in each location where operations are conducted by the business. Further details regarding such display in the locations of branch or subsidiary operations of a business shall be contained in an administrative direction.

3.5 All correspondence and other business documents such as invoices, orders, acknowledgments of orders, contracts, etc. issued by a business shall contain the registered full name and address of the business, the nature of its organization and types of economic activity conducted, the name of the authorized representative(s) and the Provisional Business Registration Number.

3.6 The issuance of a Certificate of Provisional Business Registration shall not be construed as endorsement by UNMIK of the activities carried out by the business, nor is it evidence of the truth of the information submitted by applicants to obtain such registration.

Section 4
Grounds for Rejecting, Suspending or Revoking Registration of Businesses

4.1 UNMIK may reject an application on the following grounds:

(a) the information and/or documentation submitted by an applicant is incomplete or does not comply with the information required for registration in which case the applicant shall be given a reasonable period of time to submit an amended application;

(b) the purpose of the business activity(ies) is inconsistent with the provisions of United Nations Security Council Resolution 1244 (1999) or with any UNMIK regulation or any provision of applicable law;

(c) the business has the same name or a name similar to a previously registered or established business, which is likely to cause confusion;

(d) any other legitimate reason pertaining to public peace and order which the Special Representative of the Secretary-General deems sufficient.

4.2 UNMIK may in writing suspend or revoke the registration of a business for good cause specifying the reasons for such suspension or revocation. Except in the case of violations posing a threat of harm to the public and/or posing an environmental hazard, UNMIK shall give the business an opportunity to respond prior to suspending or revoking the registration.

4.3 A business that is denied registration on any of the grounds in section 4.1 or has its registration suspended or revoked under section 4.2 of this regulation shall have the right to submit an appeal to UNMIK through the Office of the Municipality in which it is located within fourteen (14) days of the date of the Decision citing the grounds for rejection of the application under section 4.1 or the notice of revocation or suspension issued pursuant to section 4.2.

4.4 A business affected by the determination made by UNMIK under section 4.3 may apply for review of that determination to a court of competent jurisdiction in Kosovo.

Section 5
Modification and Cessation of Businesses

5.1 Any subsequent change of circumstances related to information required and submitted for registration by businesses shall be reported to UNMIK within seven (7) working days, on forms to be obtained from UNMIK.

5.2 The cessation of a business shall be reported by its authorized representative(s) to UNMIK within seven (7) working days on forms to be obtained from UNMIK.

Section 6
Prohibitions

6.1 From 30 June 2000, a business shall not operate unless registered in accordance with the present Regulation and any applicable administrative directions and laws, with the exception of operations necessary to the creation and establishment of a new business.

6.2 After 30 June 2000, all new businesses shall be required to register within fourteen (14) days of the date of commencement of operation.

6.3 A business shall not operate after its registration has been suspended or revoked under section 4 of the present Regulation.

6.4 Violations of the present section shall result in closure of the business by the police authorities until a Certificate of Provisional Business Registration has been issued or restored.

Section 7
Provisional Register of Businesses

UNMIK shall maintain a Provisional Register of Businesses which shall state the name, address, nature of organization and type of activities of each business, as well as the name, address and other contact information of its authorized representative(s). The register shall be available to the public in a location and at times to be specified in an administrative direction.

Section 8
Implementation

The Special Representative of the Secretary-General may give administrative directions in connection with the implementation of the present regulation.

Section 9
Applicable Law

The present regulation shall supersede any provision in the applicable law relating to the registration of businesses in Kosovo that is inconsistent with it.

Section 10
Entry into Force

The present regulation shall enter into force on 1 March 2000.

Bernard Kouchner
Special Representative of the Secretary-General

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Intérimaire des Nations Unies au
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UNMIK/REG/2000/9
3 March 2000

REGULATION NO. 2000/9

ON THE ESTABLISHMENT OF THE ADMINISTRATIVE DEPARTMENT OF LOCAL ADMINISTRATION

The Special Representative of the Secretary-General,

Pursuant to the authority given to him under United Nations Security Council resolution 1244 (1999) of 10 June 1999,

Taking into account United Nations Interim Administration Mission in Kosovo (UNMIK) Regulation No. 1999/1 of 25 July 1999, as amended, on the Authority of the Interim Administration in Kosovo and UNMIK Regulation No. 2000/1 of 14 January 2000 on the Kosovo Joint Interim Administrative Structure, and recalling UNMIK Regulation No. 1999/14 on the Appointment of Regional and Municipal Administrators,

For the purpose of establishing the Administrative Department of Local Administration,

Hereby promulgates the following:

Section 1
Administrative Department of Local Administration

1.1 The Administrative Department of Local Administration (hereinafter as "the Department") is hereby established.

1.2 The Department shall be responsible for:

(a) Supporting the implementation of policy guidelines formulated by the Interim Administrative Council in the area of local administration, as appropriate;

(b) Safeguarding and developing local self-government; and

(c) Reviewing the proposals and activities of other Administrative Departments, in order to ensure that such proposals and activities are consistent with the competencies and cost structures of local administrations.

Section 2
Functions

2.1 The Department may make policy recommendations to the Interim Administrative Council through the Deputy Special Representative of the Secretary-General for Civil Administration concerning, *inter alia*:

(a) The policy and legislative framework for local self-government;

(b) The non-discriminatory, efficient, transparent and accountable provision of municipal services; and

(c) Systems for financing local administrations that are sustainable and commensurate with their responsibilities, including a transparent, predictable and equitable system of budget allotments, and a general framework for local fees and charges.

2.2 The Department shall:

(a) Establish and coordinate consultative mechanisms for joint review of policy issues amongst the municipalities;

(b) Promote the development of a professional municipal civil service, including a fair, transparent and non-discriminatory recruitment policy, and provide guidance to build sustainable administrative capacity;

(c) Identify efficient ways and means for training activities for the municipalities;

(d) Assist the municipalities in making their activities and decisions transparent to the public;

(e) Support inter-municipal cooperation;

(f) Monitor the quality of municipal services, and ensure that services are provided on a non-discriminatory, efficient, transparent and accountable basis;

(g) Facilitate the provision of legal guidance and advice to the municipalities;

(h) Provide assistance to municipalities in the development of their budgets;

(i) Coordinate the activities of international agencies and non-governmental organizations pertaining to municipalities;

(j) Monitor the administration of municipal property;

(k) Assists the Municipal Administrations and the Special Representative of the Secretary-General in the provision of administrative services to members of minorities through a Division of Community Affairs to be established within the Department;

(l) Review compliance by municipalities with policy guidelines and administrative instructions in respect of tasks the execution of which is delegated to municipalities, and make appropriate recommendations to the Deputy Special Representative of the Secretary-General for Civil Administration; and

(m) Perform such other functions as are ancillary to those set out above in this section and are assigned to the Department by the Deputy Special Representative of the Secretary-General for Civil Administration.

Section 3
Co-Heads of the Department

Co-Heads of the Department, under the supervision of the Deputy Special Representative of the Secretary-General for Civil Administration, shall be jointly responsible for:

(a) Managing the Department and ensuring that the functions entrusted to it are implemented;

(b) Staffing, organizing and administering the Department and issuing administrative instructions and operating guidelines on any matters pertaining to the functions of the Department; and

(c) The effective and efficient management of resources provided to the Department from the Kosovo Consolidated Budget or from any other source.

Section 4
Personnel and Employment Policy

Co-Heads of the Department shall:

(a) Implement non-discriminatory personnel policies designed to ensure that the composition of the staff of the Department reflects the multi-ethnic character of Kosovo;

(b) Endeavor to ensure equitable gender balance in all areas and levels within the Department; and

(c) Ensure that all recruitment is based on professional qualifications, competence and merit.

Section 5
Implementation

The Special Representative of the Secretary-General may issue administrative directions in connection with the implementation of the present regulation.

Section 6
Applicable Law

The present regulation shall supersede any provision in the applicable law which is inconsistent with it.

Section 7
Entry into Force

The present regulation shall enter into force on 3 March 2000.

Bernard Kouchner
Special Representative of the Secretary-General

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UNMIK/REG/2000/10
3 March 2000

REGULATION NO. 2000/10

ON THE ESTABLISHMENT OF THE ADMINISTRATIVE DEPARTMENT OF HEALTH AND SOCIAL WELFARE

The Special Representative of the Secretary-General,

Pursuant to the authority given to him under United Nations Security Council resolution 1244 (1999) of 10 June 1999,

Taking into account United Nations Interim Administration Mission in Kosovo (UNMIK) Regulation No. 1999/1 of 25 July 1999, as amended, on the Authority of the Interim Administration in Kosovo and UNMIK Regulation No. 2000/1 of 14 January 2000 on the Kosovo Joint Interim Administrative Structure,

For the purpose of establishing the Administrative Department of Health and Social Welfare,

Hereby promulgates the following:

Section 1
Administrative Department of Health and Social Welfare

1.1 The Administrative Department of Health and Social Welfare (hereinafter "the Department") is hereby established.

1.2 The Department shall be responsible for the overall management of matters relating to health and social welfare in Kosovo.

1.3 The Department shall implement the policy guidelines formulated by the Interim Administrative Council in the field of health and social welfare.

Section 2
Functions

2.1 The Department may make policy recommendations to the Interim Administrative Council through the Deputy Special Representative of the Secretary-General for Civil Administration concerning, *inter alia*:

(a) An overall strategy for the development of non-discriminatory, efficient, transparent and accountable health care and social welfare in Kosovo, respectful of human dignity, and addressing the needs of vulnerable groups and other persons within the population who may be at risk;

(b) The infrastructure relating to health and social welfare including, but not limited to, hospitals, medical clinics, and institutions for children, aged persons and persons with disabilities;

(c) The regulatory framework for health care and social welfare, including the setting of standards to be maintained, and the preparation of regulations; and

(d) Prevention, monitoring and control of health and social problems.

2.2 The Department shall:

(a) Implement the strategy and policies for the development and provision of health care and social welfare, within the framework of the Kosovo Consolidated Budget;

(b) Co-ordinate with other Administrative Departments on matters pertaining to health and social welfare;

(c) Monitor the health and social welfare situation, and implement appropriate measures as required;

(d) Oversee adherence to standards, including, where appropriate, conducting inspections and other services, for which fees may be charged;

(e) Develop infrastructure and human resources to meet the health and social welfare needs of the population;

(f) Regulate and monitor pharmaceuticals, medical supplies and equipment, and radioactive material related to medical uses;

(g) Co-ordinate activities of international and governmental agencies and non-governmental organizations in order to promote the coherent development and implementation of health and social welfare policies;

(h) Encourage community participation and the development of community initiatives and activities related to health care and social welfare;

(i) Develop and implement a system of social insurance;

(j) Provide financial assistance, to the extent possible, to families and individuals in need;

(k) Design and implement a fully-operational management information system so that all decisions, policies and processes in the health and social welfare sector rest upon a sound and up-to-date basis of accurate data; and

(l) Perform such functions as are ancillary to those set out above in this section and are assigned to the Department by the Deputy Special Representative of the Secretary-General for Civil Administration.

Section 3
Co-Heads of the Department

Co-Heads of the Department, under the supervision of the Deputy Special Representative of the Secretary-General for Civil Administration, shall be jointly responsible for:

(a) Managing the Department and ensuring that the functions entrusted to it are implemented;

(b) Staffing, organizing and administering the Department and issuing administrative instructions and operating guidelines on any matters pertaining to the functions of the Department; and

(c) The effective and efficient management of resources provided to the Department from the Kosovo Consolidated Budget or from any other source.

Section 4
Personnel and Employment Policy

Co-Heads of the Department shall:

(a) Implement non-discriminatory personnel policies designed to ensure that the composition of the staff of the Department reflects the multi-ethnic character of Kosovo;

(b) Endeavour to ensure equitable gender balance in all areas and levels within the Department; and

(c) Ensure that all recruitment is based on professional qualifications, effective credentialing, competence and merit.

Section 5
Implementation

The Special Representative of the Secretary-General may issue administrative directions in connection with the implementation of the present regulation.

Section 6
Applicable Law

The present regulation shall supersede any provision in the applicable law which is inconsistent with it.

Section 7
Entry into Force

The present regulation shall enter into force on 3 March 2000.

Bernard Kouchner
Special Representative of the Secretary-General

UNITED NATIONS
United Nations Interim Administration Mission in Kosovo

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Mission d'Administration Intérimaire des Nations Unies au Kosovo

UNMIK/REG/2000/11
3 March 2000

REGULATION NO. 2000/11

ON THE ESTABLISHMENT OF THE ADMINISTRATIVE DEPARTMENT OF EDUCATION AND SCIENCE

The Special Representative of the Secretary-General,

Pursuant to the authority given to him under United Nations Security Council resolution 1244 (1999) of 10 June 1999,

Taking into account United Nations Interim Administration Mission in Kosovo (UNMIK) Regulation No. 1999/1 of 25 July 1999, as amended, on the Authority of the Interim Administration in Kosovo and UNMIK Regulation No. 2000/1 of 14 January 2000 on the Kosovo Joint Interim Administrative Structure,

For the purpose of establishing the Administrative Department of Education and Science,

Hereby promulgates the following:

Section 1
Administrative Department of Education and Science

1.1 The Administrative Department of Education and Science (hereinafter "the Department") is hereby established.

1.2 The Department shall be responsible for the overall management of matters relating to education and science in Kosovo.

1.3 The Department shall implement the policy guidelines formulated by the Interim Administrative Council in the field of education and science.

Section 2
Functions

2.1 The Department may make policy recommendations to the Interim Administrative Council through the Deputy Special Representative of the Secretary-General for Civil Administration concerning, *inter alia*:

(a) The formulation of an overall strategy for the development of education and science in Kosovo;

(b) The promotion of a single, unified, non-discriminatory and inclusive educational system so that each person's right to education is respected and quality learning opportunities are available to all, irrespective of their ethnic or social origin, race or gender, disability, religion, political or other opinion;

(c) The promotion of life-long learning opportunities for all;

(d) The promotion of democratic decision-making and broad-based participation and consultation at all levels;

(e) The design, implementation and supervision of the most appropriate and effective forms of educational administration and school management, particularly through a suitable balance of central and decentralized tasks and responsibilities;

(f) The improvement of the quality, relevance and efficiency of education at all levels; and

(g) The preparation of regulations on education and science matters.

2.2 The Department shall:

(a) Provide authority, direction and guidance necessary for the effective, equitable and responsible conduct of educational administration and school management throughout Kosovo;

(b) Formulate and implement the rules, regulations and guidelines necessary for the education and science sector, including the review, revision and improvement of existing norms, legal provisions and procedures;

(c) Formulate and implement a comprehensive, detailed operational plan for the education and science sector, in close collaboration with donors, international agencies and local institutions;

(d) Coordinate and support the development and qualitative improvement of the education system, with particular attention to sub-system reforms, targeted improvements in such areas as teacher training, curriculum and assessment, and the efficient delivery of educational services;

(e) Coordinate with other Administrative Departments on matters pertaining to education and science;

(f) Design and implement a fully-operational education management information system so that all decisions, policies and processes in the education and science sector rest upon a sound and up-to-date basis of accurate data (enrolments, number of teachers, school mapping, etc);

(g) Formulate and implement the budget for the education and science sector, with associated monitoring and reporting;

(h) Ensure that a process of improvement, reform and development occurs within the higher education sector, in close collaboration with international agencies and institutions;

(i) Promote high-level research which is related to the social, economic, scientific, technological and cultural development of Kosovo;

(j) Coordinate activities of international and governmental agencies and non-governmental organizations in order to promote the coherent development and implementation of education and science policies;

(k) Promote parental and community participation in educational activities and appropriate forms of school-community partnership at the local level; and

(l) Perform such functions as are ancillary to those set out above in this section and are assigned to the Department by the Deputy Special Representative of the Secretary-General for Civil Administration.

Section 3
Co-Heads of the Departments

Co-Heads of the Department, under the supervision of the Deputy Special Representative of the Secretary-General for Civil Administration, shall be jointly responsible for:

(a) Managing the Department and ensuring that the functions entrusted to it are implemented;

(b) Staffing, organizing and administering the Department and issuing administrative instructions and operating guidelines on any matters pertaining to the functioning of the Department; and

(c) The effective and efficient management of resources provided to the Department from the Kosovo budget or from any other source.

Section 4
Personnel and Employment Policy

Co-Heads of the Department shall:

(a) Implement non-discriminatory personnel policies designed to ensure that the composition of the staff of the Department reflects the multi-ethnic character of Kosovo;

(b) Endeavor to ensure equitable gender balance in all areas and levels within the Department; and

(c) Ensure that all recruitment is based on professional qualifications, competence and merit.

Section 5
Implementation

The Special Representative of the Secretary-General may issue administrative directions in connection with the implementation of the present regulation.

Section 6
Applicable Law

The present regulation shall supersede any provision in the applicable law which is inconsistent with it.

Section 7
Entry into Force

The present regulation shall enter into force on 3 March 2000.

Bernard Kouchner
Special Representative of the Secretary-General

UNITED NATIONS
United Nations Interim Administration Mission in Kosovo

UNMIK

NATIONS UNIES
Mission d'Administration Intérimaire des Nations Unies au Kosovo

UNMIK/REG/2000/12
14 March 2000

REGULATION NO. 2000/12

ON THE ESTABLISHMENT OF THE ADMINISTRATIVE DEPARTMENT OF PUBLIC SERVICES

The Special Representative of the Secretary-General,

Pursuant to the authority given to him under United Nations Security Council resolution 1244 (1999) of 10 June 1999,

Taking into account United Nations Interim Administration Mission in Kosovo (UNMIK) Regulation No. 1999/1 of 25 July 1999, as amended, on the Authority of the Interim Administration in Kosovo and UNMIK Regulation No. 2000/1 of 14 January 2000 on the Kosovo Joint Interim Administrative Structure,

For the purpose of establishing the Administrative Department of Public Services,

Hereby promulgates the following:

Section 1
Administrative Department of Public Services

1.1 The Administrative Department of Public Services (hereinafter "the Department") is hereby established.

1.2 The Department shall be responsible for the overall management of public services in Kosovo and, in coordination with the Central Fiscal Authority, the development and implementation of the Kosovo Consolidated Budget.

1.3 The Department shall implement the policy guidelines formulated by the Interim Administrative Council in the field of public services.

Section 2
Functions

2.1 The Department may make policy recommendations to the Interim Administrative Council through the Deputy Special Representative of the Secretary-General for Civil Administration concerning, *inter alia*:

(a) An overall strategy for the development of non-discriminatory, professional, ethical, efficient, transparent and accountable public services in Kosovo;

(b) The programme priorities for the allocation of resources within the Kosovo Consolidated Budget and the deployment of extra-budgetary resources in support of the objectives set out in the Budget; and

(c) The development of a regulatory framework, including the proposal of regulations, for public services in Kosovo in relation to such matters as the recruitment and terms of employment of civil servants and other employees of public agencies, including, but not limited to, their rights and obligations, appointments and promotions, salaries, benefits, pensions and disciplinary procedures.

2.2 The Department shall:

(a) In consultation with the Central Fiscal Authority, coordinate the preparation of the Kosovo Consolidated Budget, monitor the implementation of, and certify expenditures under, the Kosovo Consolidated Budget;

(b) Implement the strategy and policies for the development and provision of public services within the framework of the Kosovo Consolidated Budget;

(c) Co-ordinate with other Administrative Departments on matters pertaining to public services;

(d) Co-ordinate activities of international and governmental agencies and non-governmental organizations in order to promote the coherent development and implementation of public services policies;

(e) Provide procurement services consistent with the policies, rules and procedures set by the Central Fiscal Authority;

(f) Develop infrastructure, including buildings and physical facilities required for public services;

(g) Develop a civil registry and such other documentation procedures as may be required to facilitate public order and maintain public administration;

(h) Develop a system of internal management audit of administrative departments and the municipalities;

(i) Develop appropriate human resources strategies and systems of decentralized recruitment, classification and training;

(j) Develop and implement a public service payroll and payments administration system, including a payroll and personnel administration database established using a cash based accounting approach;

(k) Determine information technology standards for the public service and develop and maintain corporate systems and information technology infrastructure; and

(l) Perform such functions as are ancillary to those set out above and are assigned to the Department by the Deputy Special Representative of the Secretary-General for Civil Administration.

Section 3
Co-Heads of the Department

Co-Heads of the Department, under the supervision of the Deputy Special Representative of the Secretary-General for Civil Administration, shall be jointly responsible for:

(a) Managing the Department and ensuring that the functions entrusted to it are implemented;

(b) Staffing, organizing and administering the Department and issuing administrative instructions and operating guidelines on any matters pertaining to the functions of the Department, and

(c) The effective and efficient management of resources provided to the Department from the Kosovo Consolidated Budget or from any other source.

Section 4
Personnel and Employment Policy

Co-Heads of the Department shall:

(a) Implement non-discriminatory personnel policies designed to ensure that the composition of the staff of the Department reflects the multi-ethnic character of Kosovo;

(b) Endeavour to ensure equitable gender balance in all areas and levels within the Department; and

(c) Ensure that all recruitment is based on professional qualifications, competence and merit.

Section 5
Implementation

The Special Representative of the Secretary-General may issue administrative directions in connection with the implementation of the present regulation.

Section 6
Applicable Law

The present regulation shall supersede any provision in the applicable law which is inconsistent with it.

Section 7
Entry into Force

The present regulation shall enter into force on 14 March 2000.

Bernard Kouchner
Special Representative of the Secretary-General

UNITED NATIONS
United Nations Interim Administration Mission in Kosovo

UNMIK

NATIONS UNIES
Mission d'Administration Intérimaire des Nations Unies au Kosovo

UNMIK/REG/2000/13
17 March 2000

REGULATION NO. 2000/13

ON THE CENTRAL CIVIL REGISTRY

The Special Representative of the Secretary-General,

Pursuant to the authority given to him under United Nations Security Council Resolution 1244 (1999) of 10 June 1999,

Taking into account United Nations Interim Administration Mission in Kosovo (UNMIK) Regulation No. 1999/1 of 25 July 1999 on the Authority of the Interim Administration in Kosovo,

For the purpose of establishing a Central Civil Registry,

Hereby promulgates the following:

Section 1
The Central Civil Registry

1.1 The Central Civil Registry shall contain a register of habitual residents of Kosovo.

1.2 The Special Representative of the Secretary-General shall appoint a person expert in civil registration procedures as Civil Registrar and head of the Central Civil Registry. The Civil Registrar shall staff, organize and administer the Central Civil Registry and shall discharge the functions conferred upon him or her by the present regulation.

Section 2
Registration

2.1 From a date and in accordance with procedures to be announced, habitual residents of Kosovo, and those seeking to be considered as habitual residents of Kosovo, shall apply to be registered in the Central Civil Registry.

2.2 Persons who are presently living outside Kosovo and seek to be considered as habitual

residents of Kosovo may upon their reestablishment in Kosovo, apply to the Central Civil Registry in accordance with modalities and procedures to be announced by the Special Representative of the Secretary-General.

Section 3
Habitual Residents of Kosovo

The Civil Registrar shall register the following persons as habitual residents of Kosovo:

(a) Persons born in Kosovo or who have at least one parent born in Kosovo;

(b) Persons who can prove that they have resided in Kosovo for at least a continuous period of five years;

(c) Such other persons who, in the opinion of the Civil Registrar, were forced to leave Kosovo and for that reason were unable to meet the residency requirement in paragraph (b) of this section; or

(d) Otherwise ineligible dependent children of persons registered pursuant to subparagraphs (a), (b) and/or (c) of this section, such children being under the age of 18 years, or under the age of 23 years but proved to be in full-time attendance at a recognized educational institution.

Section 4
Applications

4.1 Persons applying for inclusion in the register shall establish their identity and their eligibility for registration to the satisfaction of the Civil Registrar.

4.2 Identity and eligibility for registration may be established through one of the following methods:

(a) An official document issued by any State or organ thereof, including an identification card, passport or any other travel document containing the photograph or fingerprint of the applicant;

(b) Other documents issued by a State or organ thereof, or by an agency or organ of the United Nations, supported where necessary by independent corroborative evidence, either written or oral;

(c) Other documents issued prior to 10 June 1999 by other entities including, but not limited to, educational, health, political and religious institutions, public utilities and other quasi-official bodies, supported by independent corroborative evidence whether written or oral.

4.3 The Special Representative of the Secretary-General may, by administrative direction, permit additional methods of establishing the identity of persons eligible for registration.

Section 5
Identity Card

Any registered person aged 16 years and above is entitled to be issued with an identity card that shall be proof both of the applicant's identity and that he or she is a habitual resident of Kosovo.

Section 6
Refusal and reconsideration

6.1 The Civil Registrar shall give written reasons for his or her refusal to register an applicant.

6.2 The Civil Registrar may reconsider a previously refused application if there is new evidence.

6.3 The Civil Registrar may reconsider a registration if presented with new evidence that suggests that the original registration was based on false, misleading or otherwise unsatisfactory evidence. The Civil Registrar shall use reasonable efforts to inform the registered person concerned of the substance of the new evidence and shall consider any new evidence or arguments that the registered person may put forward and, in the light of all the circumstances determine whether the registration should be revoked. If the Civil Registrar determines that the registration should be revoked, he or she shall order the rectification of the registry and shall order the cancellation of the identity card previously issued and the cards of any otherwise ineligible dependent children of the person previously registered.

Section 7
Registration Appeals Commission

7.1 The Registration Appeals Commission of the Central Civil Registry shall hear and decide on appeals by applicants and may grant leave to appeal to third parties who can show by clear and compelling evidence that a decision of the Civil Registrar was made on the basis of false, misleading or otherwise unsatisfactory evidence.

7.2 The Commission shall be composed of one or more Chambers of two international members and two local members. The Special Representative of the Secretary-General shall appoint the members of the Commission and shall designate one international member as President of the Commission.

7.3 The Commission shall establish its own Rules of Procedure and Evidence.

7.4 Decisions of the Commission shall be by majority vote. In the event of a tie the President of the Commission shall have a casting vote. The decisions of the Commission are final.

7.5 The Civil Registrar shall allocate staff to the Registration Appeals Commission, which staff shall be under the exclusive control of the Commission.

Section 8
Implementation

The Special Representative of the Secretary-General may issue administrative directions to implement this regulation.

Section 9
Applicable Law

The present regulation shall supersede any inconsistent provisions of the applicable law.

Section 10
Entry into Force

The present regulation shall enter into force on 17 March 2000.

Bernard Kouchner
Special Representative of the Secretary-General

UNITED NATIONS
United Nations Interim Administration Mission in Kosovo

UNMIK

NATIONS UNIES
Mission d'Administration Intérimaire des Nations Unies au Kosovo

UNMIK/REG/2000/14
18 March 2000

REGULATION NO. 2000/14

ON THE EXTENSION OF CUSTODY OF PERSONS HELD PENDING THE PETITION FOR EXTRADITION

The Special Representative of the Secretary-General,

Acting pursuant to the authority given to him under United Nations Security Council Resolution 1244 (1999) of 10 June 1999,

Taking into account United Nations Interim Administration Mission in Kosovo (UNMIK) Regulation No. 1999/1 of 25 July 1999, as amended, on the Authority of the Interim Administration in Kosovo, UNMIK Regulation No. 1999/24 of 12 December 1999 on the Law Applicable in Kosovo, and relevant provisions of the applicable law including those providing for the right to counsel,

In order to ensure the proper administration of justice,

Hereby promulgates the following:

Section 1
Extension of Custody Periods Pending the Petition for Extradition

1.1 In addition to the five months maximum period of custody permitted pursuant to Article 528 of the applicable Criminal Procedure Law pending the proper completion of a petition for the extradition of a person from Kosovo, an examining judge of the competent District Court may, in order to ensure the proper administration of justice, extend custody by not more than one (1) additional month.

1.2 The extension of custody under Section 1.1 of the present regulation shall be ordered where the circumstances required for custody exist in accordance with Article 528 of the applicable Criminal Procedure Law.

Section 2
Transitional Provision

Section 1 of the present regulation shall apply also to any proceedings relating to an extradition petition which were initiated between 10 June 1999 and the date of entry into force of the present regulation.

Section 3
Entry into Force

The present regulation shall enter into force on 18 March 2000.

Bernard Kouchner
Special Representative of the Secretary-General

UNITED NATIONS
United Nations Interim Administration Mission in Kosovo

UNMIK

NATIONS UNIES
Mission d'Administration Intérimaire des Nations Unies au Kosovo

UNMIK/REG/2000/15
21 March 2000

REGULATION NO. 2000/15

ON THE ESTABLISHMENT OF THE ADMINISTRATIVE DEPARTMENT OF JUSTICE

The Special Representative of the Secretary-General,

Pursuant to the authority given to him under United Nations Security Council resolution 1244 (1999) of 10 June 1999,

Taking into account United Nations Interim Administration Mission in Kosovo (UNMIK) Regulation No. 1999/1 of 25 July 1999, as amended, on the Authority of the Interim Administration in Kosovo and UNMIK Regulation No. 2000/1 of 14 January 2000 on the Kosovo Joint Interim Administrative Structure,

For the purpose of establishing the Administrative Department of Justice,

Hereby promulgates the following:

Section 1
Administrative Department of Justice

1.1 The Administrative Department of Justice (hereinafter "the Department") is hereby established.

1.2 The Department shall be responsible for the overall management of matters relating to the judicial system and the correctional service.

1.3 The Department shall implement the policy guidelines formulated by the Interim Administrative Council in matters relating to the judicial system and the correctional service.

Section 2
Functions

2.1 The Department may make policy recommendations to the Interim Administrative Council through the Deputy Special Representative of the Secretary-General for Civil Administration concerning, *inter alia*, an overall strategy and policies for the development, organization and proper functioning of the judicial system and the correctional service in a manner that is non-discriminatory, efficient and consistent with internationally recognized human rights standards.

2.2. The Department shall:

(a) Implement the overall strategy and policies for the development, organization and proper functioning of the judicial system and the correctional service within the framework of the Kosovo Consolidated Budget;

(b) Propose regulations on the development, organization and proper functioning of the judicial system and the correctional service;

(c) Coordinate with other Administrative Departments on matters pertaining to the judicial system and the correctional service;

(d) Cooperate with appropriate organizations in respect of independent monitoring of the judicial system and the correctional service;

(e) Provide information and statistics on the judicial system and the correctional service, as appropriate;

(f) Protect confidential personal data relating to the judicial system and the correctional service;

(g) Facilitate the provision of financial, technical, personnel and material resources for the proper functioning of the judicial system and the correctional service;

(h) Facilitate cooperation in judicial and correctional matters with appropriate entities inside and outside Kosovo;

(i) Assist in the training of judges, prosecutors, lawyers, public attorneys, court interpreters, translators, registrars, judicial support personnel and other relevant personnel;

(j) Assist in the selection, appointment, assignment and removal from office of registrars and judicial support personnel;

(k) Assist in the recruitment, training and evaluation of personnel for the correctional service;

(l) Provide for internal prison inspections and management audits of the correctional service; and

(m) Perform such functions as are ancillary to those set out above and are assigned to the Department by the Deputy Special Representative of the Secretary-General for Civil Administration.

Section 3
Co-Heads of the Department

Co-Heads of the Department, under the supervision of the Deputy Special Representative of the Secretary-General for Civil Administration, shall be jointly responsible for:

(a) Managing the Department and ensuring that the functions entrusted to it are implemented;

(b) Staffing, organizing and administering the Department and issuing administrative instructions and operating guidelines on any matters pertaining to the functions of the Department; and

(c) The effective and efficient management of resources provided to the Department from the Kosovo Consolidated Budget or from any other source.

Section 4
Personnel and Employment Policy

Co-Heads of the Department shall:

(a) Implement non-discriminatory personnel policies designed to ensure that the composition of the staff of the Department reflects the multi-ethnic character of Kosovo;

(b) Endeavor to ensure equitable gender balance in all areas and levels within the Department; and

(c) Ensure that all recruitment is based on professional qualifications, competence and merit.

Section 5
Implementation

The Special Representative of the Secretary-General may issue administrative directions in connection with the implementation of the present regulation.

Section 6
Applicable Law

The present regulation shall supersede any provision in the applicable law which is inconsistent with it.

Section 7
Entry into Force

The present regulation shall enter into force on 21 March 2000.

Bernard Kouchner
Special Representative of the Secretary-General

UNITED NATIONS
United Nations Interim Administration Mission in Kosovo

UNMIK

NATIONS UNIES
Mission d'Administration Intérimaire des Nations Unies au Kosovo

UNMIK/REG/2000/16
21 March 2000

REGULATION NO. 2000/16

ON THE REGISTRATION AND OPERATION OF POLITICAL PARTIES IN KOSOVO

The Special Representative of the Secretary-General,

Pursuant to the authority given to him under United Nations Security Council Resolution 1244 (1999) of 10 June 1999,

Taking into account United Nations Interim Administration Mission in Kosovo (UNMIK) Regulation No. 1999/1 of 25 July 1999, as amended, on the Authority of the Interim Administration in Kosovo,

For the purpose of regulating the registration and operation of political parties in Kosovo,

Hereby promulgates the following:

Section 1
General provisions

1.1 The present regulation shall govern the registration, operations and dissolution of political parties in Kosovo.

1.2 For the purposes of the present regulation a political party is an organization of individuals who voluntarily associate on the basis of a common idea, interest or view, with the objective to obtain political influence and to have their representatives elected to governing bodies. The present regulation shall not prejudice the right of individuals to freedom of association.

Section 2
Registration

2.1 A political party may apply for registration with the Civil Documents Unit of the Civil Administration (hereinafter referred to as the "Registration Office") in order to operate as legal persons in Kosovo.

2.2 A political party applies for registration by submitting to the Registration Office an application form, founding instrument and its statutes and a fee of DM 500. The application form shall include the following written information:

a) the official name, acronym and symbol of the political party;

b) the names, dates and places of birth, addresses and other contact information and signatures of the members of the highest executive body of the political party;

c) the addresses and telephone numbers of all offices of the political party;

d) the statutes of the political party;

e) the political programme of the political party, approved by its highest executive body, describing the political objectives and activities of the political party and which shall specifically include a commitment to democratic principles and the protection and promotion of human rights as well as an affirmation of respect, tolerance and understanding for all, irrespective of their ethnicity.

2.3 Applications for registration shall include a supporters registration form that shall contain the names, dates and places of birth, addresses and signatures of supporters of the political party applying for registration, which form shall be treated confidentially by the Registration Office. Blank supporters registration forms may be obtained from the Registration Office.

2.4 The minimum number of registered supporters required for a valid application for registration shall be 4,000. The Special Representative of the Secretary-General may, in his sole discretion, grant a political party exemption from the requirement of the minimum number of registered supporters (e.g. if such political party represents a relatively small ethnic community in Kosovo).

2.5 Supporters shall not enlist in support of the application for registration of more than one political party. Supporters listed on more than one supporters registration form shall not be counted for purposes of meeting the qualifying threshold set out in section 2.4 of the present regulation.

2.6 A political party shall inform the Registration Office within thirty (30) business days of any material change with respect to documents submitted when applying for registration. Amendments to applications for registration shall be subject to procedures, standards, and time limits equivalent to those applicable to initial applications for registration.

2.7 Applications for registration shall be published by the Registration Office in accordance with an administrative direction issued by the Special Representative of the Secretary-General. Anyone who wishes to object to an application for registration of a political party on the basis of any of the provisions of the present regulation, may submit such objections, in writing (together with any information or material substantiating the objection), to the Registration Office within 14 days of the application.

2.8 The Registration Office shall consider applications for registration of political parties in light of the recommendations made by the Department for Democratic Governance and Civil Society Affairs (OSCE) as regards the eligibility for registration of the political parties under the present regulation.

2.9 The Registration Office shall issue to a political party a written decision accepting or denying registration within two (2) months of receiving an application to register, unless the Registration Office requests in writing further information or clarification.

2.10 Written requests by the Registration Office for further information or clarification concerning an application for registration shall toll the two (2) months' period referred to in section 2.9 of the present regulation.

2.11 Any decision by the Registration Office denying registration of a political party shall be automatically reviewed by a Review Committee consisting of three (3) members to be nominated by the UNMIK Civil Administration and Institution Building pillars to ascertain the validity of the grounds for denial and compliance with the present regulation. A simple majority vote by the members of the Review Committee is sufficient to reverse the decision of the Registration Office. The political party shall be notified of the decision of the Review Committee within the time period provided under section 2.9 of the present regulation. If registration is denied, the Registration Office shall include an explanation of the grounds upon which registration was denied. A political party may appeal a decision denying registration to the Special Representative of the Secretary-General within fifteen (15) days of the date of notification of the decision of the Review Committee.

2.12 The Registration Office shall maintain a register of registered political parties. The register shall state the addresses and telephone numbers of all offices of the political party, as well as the names, addresses and other contact information of the members of the highest executive body. The register shall be available to the public in a central location during regular business hours to be established by the Registration Office.

Section 3
Grounds for Denying Registration

3.1 The Registration Office may deny an application if:

a) the registration documents do not comply with the requirements of the present regulation;

b) the statutes or political programme of the political party would violate any UNMIK regulation or other provision of the applicable law;

c) the political party applying for registration is in violation of paragraph 4.3 of the present regulation;

d) the political party applying for registration has a name which, in the discretion of the Registration Office, may incite hatred or violence;

e) the political party applying for registration has the same name or one so similar to a previously registered or already established political party that confusion is likely to result. The Registration Office shall determine which party shall have the right to use the name, taking into account the totality of the circumstances, including history and the date on which each party submitted its application.

3.2 The Registration Office may suspend or revoke a registration for violation of any provision of the present regulation. Except in cases of serious violations posing a threat to the public peace and order, the Registration Office shall give a political party written notice of the violation and an opportunity to respond prior to suspending or revoking registration.

Section 4
Internal Governance and Organization of Political Parties

4.1 The highest decision-making body of a political party shall be the assembly of members. The assembly of members shall consist of all members of the political party or their elected delegates and shall meet at least every second year. The assembly of members shall have ultimate responsibility for the political programme, the policies and financial affairs of the political party. All decisions shall be taken through democratic procedures.

4.2 A political party shall elect from its members an executive body including a chairman and other officers. The political party shall clearly indicate who is authorized to sign on behalf of the political party in financial matters and who is responsible for activities and statements on behalf of the political party. The executive body of the political party shall be elected by the assembly of members at least every second year. The executive body shall be responsible for the administration of the political party.

4.3 No individual who has been indicted by the International Criminal Tribunal for the former Yugoslavia, or any war-crimes tribunal as may be established by the Special Representative of the Secretary-General may hold any appointive, elective or other function within or representing the political party.

4.4 Members of the executive body of a political party shall not serve as members of any other political party. Judges, prosecutors and their deputies, ombudsperson and their deputies, professional members of the police and members of the Kosovo Protection Corps shall not serve as members of the executive body of a political party.

Section 5
Property and Resources

5.1 Income of political parties may include donations of cash and in-kind contributions, membership fees, subventions, gifts, grants, bequests, real or personal property and income generated from any lawful activities undertaken by the political party with its property and resources.

5.2 A registered political party shall prepare and submit to the Registration Office annual financial reports containing any or all contribution or contributions made to the political party by a single source that exceed DM 3,000 in total during any one year period, which financial reports shall be documents maintained by the Registration Office and available for review by the public.

5.3 A registered political party shall not engage in commercial activities but may engage in economic activities for the purpose of supporting its political not-for-profit activities subject to the requirements of section 5.4 of the present regulation.

5.4 A political party shall not distribute any income or assets as such to any person. The assets and income of a political party shall be used to support the political not-for-profit purposes of the political party and shall not be used to provide benefits, directly or indirectly, to any member of the political party, its executive body or donor of the political party. The present section does not preclude the payment of reasonable compensation to such persons for work performed for the political party.

5.5 A registered political party may own and manage property and assets for the accomplishment of its political not-for-profit purposes.

Section 6
Dissolution

The statutes of a political party shall include provisions on the dissolution of the party, in particular on the distribution of funds and assets after discharge of liabilities.

Section 7
Implementation

The Special Representative of the Secretary-General may issue administrative directions to implement the present regulation.

Section 8
Applicable Law

The present regulation supersedes any provision in the applicable law relating to the registration and operation of political parties in Kosovo which is inconsistent with it.

Section 9
Entry into Force

The present regulation shall enter into force on 21 March 2000.

Bernard Kouchner
Special Representative of the Secretary-General

UNITED NATIONS
United Nations Interim
Administration Mission in
Kosovo

UNMIK

NATIONS UNIES
Mission d'Administration
Intérimaire des Nations Unies au
Kosovo

UNMIK/REG/2000/17
23 March 2000

REGULATION NO. 2000/17

ON THE ADMISSIBILITY OF CERTAIN WITNESS STATEMENTS IN PRELIMINARY INVESTIGATIONS

The Special Representative of the Secretary-General,

Acting pursuant to the authority given to him under United Nations Security Council Resolution 1244 (1999) of 10 June 1999,

Taking into account United Nations Interim Administration Mission in Kosovo (UNMIK) Regulation No. 1999/1 of 25 July 1999, as amended, on the Authority of the Interim Administration in Kosovo and UNMIK Regulation No. 1999/24 of 12 December 1999 on the Law Applicable in Kosovo,

For the purpose of facilitating preliminary investigations by the investigating judge,

Hereby promulgates the following:

Section 1
Admissibility of witness statements

A witness statement made in writing by an officer serving with a relevant law enforcement authority in the course of his or her investigations shall be admissible in the preliminary investigation. This provision applies only where that same witness has not yet been examined by the investigating judge and cannot be examined by the investigating judge because he or she is inaccessible to relevant authorities, even after all necessary measures have been undertaken to locate him or her.

Section 2
Relevant law enforcement authority

For the purposes of this regulation, the phrase "relevant law enforcement authority" shall be defined as including the international security presence in Kosovo, known as KFOR and the Civilian Police of the United Nations International Administration Mission in Kosovo (UNMIK), also known as the United Nations International Police or as UNMIK Police.

Section 3
The rights of the accused

The provision in section 1 shall not prejudice the rights of an accused under applicable law to examine, or have examined, witnesses against him at the main trial.

Section 4
Transitional Provision

Sections 1, 2 and 3 of the present regulation shall apply also to criminal proceedings initiated between 10 June 1999 and the date of the present regulation.

Section 5
Entry into force

The present regulation shall enter into force on 23 March 2000.

B. Kouchner

Bernard Kouchner
Special Representative of the Secretary-General